UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,525	07/26/2001	Georg Strom	032492-010	6317

			EXAMINER
27045 7590 11/08/2004			SHIN, KYUNG H

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 July 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _2/4/02_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responding to application papers dated 7/26/2001

2.   Claims **1-16** are pending. Independent claims are **1, 11, 12 and 13**.

Claim Rejection – 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office Action

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-9, 11–16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wall et al. (US Patent No. 6,223,289: Method and apparatus for session

management and user authentication) in view of Brezak, Jr. et al. (US Patent No.

6,427,209: System and method of user login in combination with user

authentication for network access)

Regarding Claim 1, Wall discloses a method of establishing access from a terminal to

a server which is in non-permanent connection to the server comprising the steps of:

  a) establishing a connection between the terminal and the server; (see col. 3, lines

  62-65: LAN communication accessible for communication between terminal and

  server)

b) carrying out an authentication process; (see col. 2, lines 57-60)

c) allowing access to the server upon positive authentication; (see col. 6, line 64 -

col. 7, line 2) and

d) sending data for the requested server from the terminal to the server; (see col. 6,

lines 47-55)

Wall discloses a network connected system for authenticating a user and

management services executing in the network environment on behalf of the user.

(see Wall col. 2, lines 57-60: "...Methods and apparatus...for authenticating a system

user and management services ... authenticating and session management are

performed within a system architecture ... such as a server...") Wall does not disclose

the capability to transmit network data parallel to the transmission of authentication data

between a user terminal and a server. However, Brezak discloses:

e) sending the data for the requested server before or in parallel with the

authentication process so that the server may be prepared for access during the

authentication process. (see col. 2, lines 13-21: Pre-transmission of data for rapid

processing after authentication successful)

Delays in the transmission of communications data over a network environment is a

common problem. An efficient method to reduce or eliminate delay for the network

system would be an obvious requirement for addition to a network environment. The

Brezak reference discloses a network data combination of accounting data and

authentication data within one data transmission. The applicant invention discloses a

combination of generic network data and authentication data within one data

transmission. The two systems disclose the pre-transmission of additional data within one data transmission (i.e. the transmission of authentication data). The pre-transmission of network data in combination with authentication data would result in the rapid and efficient processing of network data once the authentication process has completed successful. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wall to combine transmission of data over a network as taught by Brezak. One of ordinary skill in the art would be motivated to modify Wall for rapid and efficient processing of client services by a network server (see Brezak col. 2, lines 13-21: " ... *inclusion of the account data in the network access response removes the need for the computer to independently contact another service ... reduction of network communications involved makes the combined logon-authentication process faster and less prone to failure...*")

Regarding Claim 2, Wall does not disclose server access to data before authentication. However, Brezak discloses a method according to claim 1, further comprising the step of giving access to the requested server before positive authentication. (see Brezak col. 2, lines 13-21: Access to pre-transmitted data)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wall to combine the transmission of data over a network as taught by Brezak. One of ordinary skill in the art would be motivated to employ Brezak in order for rapid and efficient processing of client services by a network server (see Brezak col. 2, lines 13-21)

Regarding Claim 3, Wall discloses a method according to claim 1, further comprising

the step of denying access to the requested server if the authentication fails. (see col.

13, lines 48-60: access is not allowed if authentication failed)

Regarding Claim 4, Wall discloses a method according to claim 1, further comprising

the step of withholding access to the requested server until positive authentication when

the last attempt of authentication failed. (see col. 15, lines 42-47: count threshold has

been reached; access is denied)

Regarding Claims 5, 14, Wall discloses a method according to claim 3, further

comprising the step of withholding access to the server before the authentication

process is finished when more than a predetermined time has passed since the last

access. (see col. 13, lines 3-12: timeout period has expired; access is denied)

Regarding Claims 6, 15, 16, Wall discloses a method according to claim 3, further

comprising the step of withholding access to the server before the authentication

process is finished when more than a predetermined number of failed authentications

are registered within a predetermined period of time. (see col. 15, lines 42-47: count

threshold has been reached and timeout period has expired; access denied)

Regarding Claim 7, Wall discloses a method according to claim 1, wherein the terminal

is a personal computer. (see col. 2, line 66 - col. 3, line 4: Terminal device is a PC)

Regarding Claim 8, Wall discloses a method according to claim 1, wherein the server is a computer, preferably an Internet access server. (see col. 4, lines 3-10; col. 4, lines 20-24: Server is an Internet capable system)

Regarding Claim 9, Wall discloses a method according to claim 8, wherein the personal computer is connected to the server via a modem connected to the public telephone network and where the server is connected to the public telephone network through a modem in the form of a point of presence. (see col. 4, lines 3-10: Internet Service Provider, point of presence system for access to the Internet)

Regarding Claims 11, 12, 13, Wall discloses a terminal such as a personal computer or a mobile telephone for use with a method of establishing access from the terminal to a server which is in non-permanent connection to the server, the terminal comprising:

a) means such as a modem or radio transmitter/receiver for establishing connection to a server such as an Internet access server, an Internet page server or a cellular phone network; (see col. 3, lines 62-66)

b) means for providing authentication data, such as a keyboard, a memory or a smart card; (see col. 3, lines 13-20)

c) means for sending the authentication data such as user identity and/or password or mobile phone id-number to the server; (see col. 6, lines 20-25)

d) means for sending data for the requested server such as a URL address of a

telephone number to the server; (see col. 11, lines 4-5; col. 11, lines 14-20)

Wall does not disclose the capability to transmit network data parallel to the

transmission of authentication data between a user terminal and a server. However,

Brezak discloses:

e) sending the data for the requested server before or in parallel with the

authentication process so that the server may be prepared for access during the

authentication process. (see Brezak col. 2, lines 13-21: Pre-transmission of data for

rapid processing after authentication successful)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Wall to combine transmission of data over a network

as taught by Brezak. One of ordinary skill in the art would be motivated to modify

Wall in order for rapid and efficient processing of client services by a network server

(see Brezak col. 2, lines 13-21)

5.   **Claims 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wall -**

Brezak, as applied to claim 1 above, and further in view of Bodnar (US Patent

No. 6,061,790: Network computer system with remote user data encipher

methodology)

Regarding Claim 10, Wall discloses a network connected system for

authenticating a user and management services executing in the network on behalf of

the user.   Wall discloses a redundant capability for a backup network (proxy) server in the event of network (proxy) server failure. (see Wall col. 2, lines 57-60) Wall does not disclose the use of a cell phone as a terminal device in a network environment. However, Bodnar discloses a method according to claim 1, wherein the terminal is a mobile phone and the server is a cellular phone network comprising base stations for radiographic communication with the mobile phone. (see Bodnar col. 3, lines 34-41)

Multiple types of microprocessor devices are used as an interface device for network access such as a personal computer, laptop computer, PDA, and a cell phone. An efficient network environment allows access for many types of interface access devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wall with the capability to use a cell phone as a network access device as taught by Bodnar.   One of ordinary skill in the art would be motivated to modify Wall for rapid and efficient processing of client services by a wireless network server (see Bodnar col. 3, lines 13-19)

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 571-272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Oct. 29, 2004

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